IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6427 of 2005

Between:

Budigi Jayamma , w/o. B. Chinna Subba Reddy,
R/o. Devarapalem Village, OppL Doddla Dairy,
Nellore rural Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore rural Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the inaction of respondents in not considering the representation dt. 24.01.2005 made by the petitioner for assignment of an extent of Ac. 0.52 cents of land in Sy.No.22/1E of Kondklapudi Village, Nellore Rural Mandal and District and in not assigning the said land to the petitioner as illegal and arbitrary and consequentially direct the respondents to act upon the representation dt. 24.1.2005 made by the petitioner and assign the said land to the petitioner and further direct that the petitioner shall not be dispossessed from the land pending consideration of her case for assignment.

Counsel for the Petitioner:MR.P.ROY REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the inaction on the part of the respondents in not considering the representation of the petitioner dated 24-01-2005 for assignment of an extent of Ac.0.52 cents of land in Sy.No.22/1E of Kondlapudi Village, Nellore Mandal, as arbitrary an illegal.

The petitioner claims to be in possession and enjoyment of the land to an extent of Ac.0.52 cents in Sy.No.22/1E of Kondlapudi Village. It is not in dispute that the land in question was originally assigned to one Alagani Subbamma W/oThiripalaiah, Kondlapudi village, from whom the petitioner took the land in question under lease. Subsequently, the second respondent-Revenue Divisional Officer having initiated proceedings under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 by order dated 28-08-2004 ordered resumption of the land in question to the Government. The said order has become final. However, the petitioner claims that she has been continuing in possession of the land in question and she made a representation dated 24-01-2005 requesting the second respondent to assign the said land in her favour. The only grievance of the petitioner is that while the said representation is pending before the respondents, steps are being taken to dispossess her highhandedly. Hence, this writ petition.

Since, admittedly the representation made by the petitioner for assignment of the land in question is pending before the respondents, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioner dated 24-01-2005 and to pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Till such time, the respondents are directed not to dispossess the petitioner from the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 25-03-2005

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To

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore rural Mandal, Nellore District.

4 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two C.D.copies